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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,513	01/25/2002	Victor Alston	37232-6067	4325
758	7590	11/18/2004		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER HOANG, PHUONG N	
			ART UNIT 2126	PAPER NUMBER

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,513

Applicant(s)

ALSTON ET AL.

Examiner

Phuong N. Hoang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) 1 - 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) a.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/30/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 34 are pending for examination.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (page 2 lines 14, page 15 lines 18). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 8 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 8 and 22, examiner did not see where “the subscriber network site comprises a sub-domain of the network host” is disclosed.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 – 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack proper antecedent basis:

- i. The network user – claims 5 and 6;
- ii. The market segments, the network host site – claim 8;

b. The following terms are not clearly understood:

- iii. As to claims 2, 16, and 30, it is not clearly understood what “receiving branding information **for** a subscriber network site” means (i.e., is it receiving branding information about a subscriber network site or receiving branding information that is used to set up a subscriber network site). For examination purpose, examiner treats the phrase as the network location receives branding information that is used to set up a subscriber network site.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1 – 7, 9 – 21, and 23 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillett, US patent no. 6,760,711.**

9. **As to claim 1**, Gillett teaches a method of Web site processing, comprising the steps of:

receiving configuration information whereby such configuration information includes selection and definition of one or more products, segments, and models (merchant provided product, and pricing information, and so forth are provided, col. 3 lines 45 – 55); and

storing information and said configuration information in a data store (storage or database 34 that stores commerce data, col. 3 lines 55 – 60).

Gillett does not exactly teach the step of receiving branding information. However, Gillette teaches that merchant's business information is provided (information pertaining to the merchant's business, col.3 lines 20 – 45).

It would have been obvious to one of ordinary skill in the art to recognize that the merchant's business would include branding information in order to build the merchant's storefront web site.

10. **As to claim 2**, Gillett teaches a method of processing at a network location, the method comprising the steps of:

receiving branding information for a subscriber network site (merchant provided merchant's business information to commerce server to establish a merchant's storefront web site, col. 3 lines 20 – 55);

receiving configuration information from a subscriber (merchant provided product, and pricing information, and so forth, col. 3 lines 45 – 55) wherein the configuration information specifies a selection from among a plurality of predetermined flow sequences of linked pages (The wizard steps the merchant through several screens, col. 3 lines 45 – 55);

storing the branding information and configuration information (storage or database 34 that stores commerce data, col. 3 lines 50 – 60) such that the branding information and configuration information may be retrieved (to extract information pertaining to the merchant's business, col. 3 lines 40 – 45) in response to a request for a page of the subscriber network site (page generator to produce web pages based on the merchant-supplied information to form the online storefront, col. 3 lines 40 – 45) to dynamically generate a corresponding page of the subscriber network site.

Gillett does not exactly teach the step of receiving branding information.

However, Gillette teaches that merchant's business information is provided (information pertaining to the merchant's business, col.3 lines 20 – 45).

It would have been obvious to one of ordinary skill in the art to recognize that the merchant's business would include branding information in order to build the merchant's storefront web site.

11. **As to claim 3**, Gillett teaches the step of wherein each predetermined flow sequence defines alternative hierarchical arrangements of linked pages (hierachical arrangement from product, price, to shipment, and so forth, col. 3 lines 45 – 55).

12. **As to claim 4**, Gillett teaches the step of wherein a set of attributes (product, prices, col. 3 lines 45 – 55) further defines contents of linked pages at each level of the hierarchy.

13. **As to claim 5**, Gillett teaches the step of wherein the attributes can be searched by the network user (customers orders a products, col. 7 lines 10 – 45).

14. **As to claim 6**, Gillett teaches the steps of:

receiving a request from a network user (submits a purchase request over the internet 22 to the ISP computer, col. 7 lines 10 - 20 and col. 5 lines 6 – 15) at a host site for a page of the subscriber network site;

transmitting a dynamically generated page from the host site (when the browser hit the web site, the commerce server serves one or more web pages to customer computer, col. 5 lines 10 – 15) the network user comprising a page corresponding to the requested subscriber network site page.

15. **As to claim 7**, Gillett teaches the step of wherein the alternative hierarchical arrangements of the predetermined flow sequences include market segments, product lines, and configurable models offered by the subscriber (hierarchical arrangement from product, price, to shipment, and so forth, col. 3 lines 45 – 55).

16. **As to claims 9 and 10**, Gillett teaches the script language (script language, col. 5 lines 17 – 25) implement Java Server Pages (ASP is written in J script, col. 5 lines 20 – 25).

17. **As to claims 11 and 12**, Gillett teaches the step of wherein receiving configuration information comprises receiving information relating to product lines (merchant provided product and pricing information, col. 3 lines 45 – 55), configuration models (shipping preferences, payment methods, and so forth, col. 3 lines 45 – 55) offered by the subscriber.

18. **As to claim 13**, Gillett teaches the step of wherein the pages are dynamically

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generated by a server process of the network location (wizard produce web pages after merchant completed the steps, col. 3 lines 20 – 45).

19. **As to claims 14 – 15**, see rejection for claims 9 and 10.

20. **As to claim 16**, Gillett teaches a method of processing at a network location, the method comprising the steps of:

server that receives branding information for a subscriber network site (merchant provided merchant's business information to commerce server to establish a merchant's storefront web site, col. 3 lines 20 – 55) and receives configuration information from a subscriber (merchant provided product, and pricing information, and so forth, col. 3 lines 45 – 55) wherein the configuration information specifies a selection from among a plurality of predetermined flow sequences of linked pages (The wizard steps the merchant through several screens, col. 3 lines 45 – 55);

A data stores storing the branding information and configuration information (storage or database 34 that stores commerce data, col. 3 lines 50 – 60) such that the branding information and configuration information may be retrieved (to extract information pertaining to the merchant's business, col. 3 lines 40 – 45) in response to a request for a page of the subscriber network site (page generator to produce web pages based on the merchant-supplied information to form the online storefront, col. 3 lines 40 – 45) to dynamically generate a corresponding page of the subscriber network site.

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Gillett does not exactly teach the step of receiving branding information.

However, Gillette teaches that merchant's business information is provided (information pertaining to the merchant's business, col.3 lines 20 – 45).

It would have been obvious to one of ordinary skill in the art to recognize that the merchant's business would include branding information in order to build the merchant's storefront web site.

21. **As to claims 17 – 21**, see rejection for claims 3 – 7 above.

22. **As to claims 23 – 29**, see rejection for claims 9 – 15 above.

23. **As to claim 30**, this is the system claim of claim 16, see rejection for claim 16 above.

24. **As to claim 31**, see rejection for claim 7 above.

25. **As to claim 32**, see rejection for claim 9 above.

26. **As to claims 33 - 34**, see rejection for claims 11 - 12 above.

27. Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillett, US patent no. 6,760,711 in view of Cockrill, US patent no. 6,473,740.

28. As to claim 8, Gillet teaches the market segments comprise different merchants (the commerce server comprise many merchant, fig. 1).

Gillette does not explicitly teach that each merchant web site is on different domain.

Cockrill teaches that each web site has different domain (merchant's web site in a domain other than the central domain of the web, col. 15 lines 8 – 45) hosted at the network host site, and the subscriber network site comprises a sub-domain of the network host site.

It would have been obvious to one of ordinary skill in the art to combine the teaching of Gillette and Cockrill's system because Cockrill's address domain would be necessary for assigning each web site to be distinguished one with the other merchant's stores.

29. As to claim 22, see rejection for claim 8 above.

Conclusion

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30. The prior art made of record but not relied upon request is considered to be pertinent to applicant's disclosure.

Buckland, US patent no. 5,999,971, demonstrating web site and network domain.


Ponte, US patent no. 6,665,665, demonstrating a techniques for maintaining material on web site .

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph


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